My answer to your letter is therefore based on precedent. Since House Bill No. 180 became effective February 25, 1943, Senate Bill No. 130, approved March 6, 1943, could not become operative and is null and void.

BOARD OF ACCOUNTS: Section 2 of Article 15 of Indiana Constitution relating to salary increases does not apply to officers having no fixed term.

March 26, 1943.

Hon. Otto K. Jensen,
State Examiner,
Department of Inspection and Supervision of Public Offices,
State House,
Indianapolis, Indiana.

Dear Mr. Jensen:

I am in receipt of your letter of March 23, 1943, requesting my opinion as to the interpretation to be placed upon chapter 131 of the Acts of 1943, which amended section 21 of chapter 233 of the Acts of 1933 by adding the following proviso:

“Provided, however, That nothing herein contained shall be so construed as to prevent the employment of the city engineer in a supervisory or managerial capacity with any utility, utilities, or sewage disposal plants owned and operated by such city and to receive compensation therefor in addition to any other amount provided herein, when such employment is authorized and compensation is fixed by an ordinance adopted by the common council.”

Your question is as follows:

“Is the city engineer, now in office, prohibited by Article 15, Section 2 of the constitution of Indiana, as amended November 2, 1926, from receiving compensation for employment in a supervisory or managerial capacity of a utility, utilities or sewage disposal plants owned and operated by the city, in addition to his salary as engineer?”
Your letter further states that the City of Crawfordsville owns and operates a sewage disposal plant, and that the common council of the City of Crawfordsville, Indiana, included in the budget adopted for the year 1943 an appropriation for the salary of a superintendent of the sewage disposal plant. The city engineer is not an elective office, and he does not hold office for any determinate period of time.

Burns' R. S. 1933, section 48-1222, being section 10 of chapter 233 of the Acts of 1933, page 1042, expressly provides that all appointive officers, deputies, employees, assistants, and departmental and institutional heads shall be appointed by the mayor and that such officers, deputies, employees, assistants and departmental and institutional heads shall serve at the pleasure of the mayor, who may terminate their office or employment at any time.

It is my opinion that Article 15, Section 2 of the Constitution of Indiana, as amended November 2, 1926, applies only to elected or appointed officers who have either under the constitution or under a statute a fixed term of office, and does not apply to a person who holds office at the pleasure and sufferance of the appointing power without any fixed term of office.

For the reasons stated, it is my opinion that your question must be answered in the negative.

BOARD OF ACCOUNTS: Construction of Chapter 130 of the Acts of 1943 relating to playgrounds.

March 27, 1943.

Mr. Otto K. Jensen,
State Examiner,
Dept. of Inspection and Supervision of Public Offices,
State House,
Indianapolis, Indiana.

Dear Mr. Jensen:

I am in receipt of your written request dated March 24, 1943, requesting my opinion as to the proper interpretation to be placed upon the amendments made by Chapter 130 of the Acts of 1943, to Section 6 of Chapter 172 of the Acts of